

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON SECOND NOTICE OF INTENT OF UTILITY CONSUMERS'
ACTION NETWORK TO CLAIM COMPENSATION**

On September 8, 2004, Utility Consumers' Action Network (UCAN) filed a Notice of Intent (NOI) to claim intervenor compensation in this proceeding. A ruling issued on September 16, 2004 determined that UCAN is eligible for an award of intervenor compensation.¹ UCAN has filed a second NOI in this proceeding for its activities in the San Diego Gas & Electric Company (SDG&E) Procurement Review Group (PRG). This ruling addresses the second NOI.

Rule 76.76 of the Commission's Rules of Practice and Procedure provides that "[a] customer found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding." Therefore, UCAN's previously determined eligibility status

¹ The ruling provided that when UCAN files for an award of compensation, it "must include either a showing of significant financial hardship or a valid reference to a finding of eligibility in another proceeding that would create a rebuttable presumption of eligibility for this proceeding." (September 16, 2004 ruling, p. 4.)

remains in effect for all later phases of this proceeding, including PRG processes carried out under the umbrella of this rulemaking.

In Rulemaking 01-10-024, the predecessor to this procurement rulemaking proceeding, the Commission determined that an eligible intervenor's participation in a PRG may be fully compensated because such participation makes a contribution to the proceeding. (*See* Decision (D.) 02-10-062 and D. 04-08-042.) UCAN's second NOI provides notice that UCAN expects to incur costs of approximately \$70,000 to \$80,000 per year to participate in the SDG&E PRG.

UCAN is placed on notice that while participation in a PRG may be "fully compensated," the Commission may review the claimed expenses for reasonableness pursuant to Pub. Util. Code §§ 1801, 1802(a), and 1803.

IT IS RULED that for purposes of its participation in the San Diego Gas & Electric Company Procurement Review Group, Utility Consumers' Action Network remains eligible for an award of intervenor compensation in this proceeding as previously determined by ruling dated September 16, 2004.

Dated May 18, 2005, at San Francisco, California.

/s/ MARK S. WETZELL

Mark S. Wetzell

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Second Notice of Intent of Utility Consumers' Action Network to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated May 18, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.